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EXAMINER	
JARRETT, SCOTT L	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/510,358	GABAY, SHAY	
	Examiner	Art Unit	
	SCOTT L. JARRETT	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/21/05,3/7/07,7/5/07,8/10/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

37 CFR § 1.105 - Requirement for Information

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

Examiner's research seems to indicate that assignee and/or applicant may have provided an apparatus and/or method for obtaining interaction related information and conducting follow-up interaction more than one year prior to the effective filing date of the instant application as evidenced by at least the following references:

- Nice and CustomerSat Offer Free Webinar and Launch Resource Site for NICE Feedback Customer Survey Solution (2001);
- Nice.com Web Pages (2000-2001);
- Interland Selects NICE Systems to Help Boost Customer Care Capabilities and Improve Overall Business Processes (2003); and
- Nice Feedback improves the contact centre customer experience (2003).

In response to this requirement, please provide the citation and a copy of each publication which any of the applicants authored or co-authored and which describe the disclosed subject matter of obtaining interaction related information and conducting follow-up interaction.

In response to this requirement, please provide the citation and a copy of each publication that any of the applicants relied upon to draft the claimed subject matter. For each publication, please provide a concise explanation of the reliance placed on that publication in distinguishing the claimed subject matter from the prior art.

In response to this requirement, please provide the names of any products or services that have incorporated the disclosed prior art obtaining interaction related information and conducting follow-up interaction, including but not limited to NICE Feedback, NICE Feedback Customer Survey Solution, NICE Analyzer, 360 Degree View, NICE Log, and Customer Contact Analyzer. Further for each of the services or products disclosed please provide product/service information (e.g. manuals, brochures, training materials, etc.) which disclose the features and/or capabilities of those products or services particularly as they relate to the claimed subject matter.

In response to this requirement, please state the specific improvements of the claimed subject matter in the claims over the disclosed prior art and indicate the specific elements in the claimed subject matter that provide those improvements. For those claims expressed as means or steps plus function, please provide the specific page and line numbers within the disclosure which describe the claimed structure and acts.

In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met

by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete response to the requirement for that item.

The fee and certification requirements of 37 C.F.R. § 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 C.F.R. § 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 C.F.R. § 1.105 are subject to the fee and certification requirements of 37 C.F.R. § 1.97.

This requirement is an attachment of the enclosed Office action. A complete response to the enclosed Office action must include a complete response to this

requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action, which is 3 months.

DETAILED ACTION

1. This Non-Final Office Action is in response to Applicant's submission filed October 5, 2004. Currently claims 1-32 are pending.

Claim Objections

2. Claims 4 is objected to because of the following informalities: claim 4 contains a punctuation error - claim 4 recites "…contents of the interaction capture," instead of "…contents of the interaction capture." Appropriate correction is required.

Claims 18-19 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3, 4-6, 10,13-15 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 3, Claim 3 recites the limitation "the follow-up interaction" in Claim 2. There is insufficient antecedent basis for this limitation in the claim.

Examiner interpreted the claims to read “a follow-up interaction” for the purposes of examination. Appropriate correction required.

Regarding Claims 4, 6 and 13, Claims 4, 6 and 13 recite the limitation "the recorded base interaction", “the base interaction” and "the base interaction", respectively in Claim 1. There is insufficient antecedent basis for this limitation in the claim.

Examiner interpreted the claims to read “a base interaction” for the purposes of examination.

Appropriate correction required.

Regarding Claim 5, Claim 5 recites the limitation "the participant or characteristics of the interaction participant" in Claim 4. There is insufficient antecedent basis for this limitation in the claim.

Examiner interpreted the claims to read "a participant or characteristics of an interaction participant" for the purposes of examination. Appropriate correction required.

.Regarding Claim 6 Claim 6 recites the limitation "collecting and extracting the characteristics" in Claim 1. There is insufficient antecedent basis for this limitation in the claim.

Examiner interpreted the claims to read "collecting and extracting characteristics" for the purposes of examination. Appropriate correction required.

Regarding Claim 10, Claim 10 recites the limitation "the element of a feedback table entry assembler" and "the at least one information request record" in Claim 1. There is insufficient antecedent basis for this limitation in the claim.

Examiner interpreted the claims to read "a element of a feedback table entry assembler" and "the at least one information request" for the purposes of examination. Appropriate correction required.

Regarding Claim 13, Claim 13 recites the limitation "of the at least one information request entry" in Claim 1. There is insufficient antecedent basis for this limitation in the claim.

Examiner interpreted the claims to read "of at least one information request entry" for the purposes of examination. Appropriate correction required.

Regarding Claim 14, Claim 14 recites the limitation "the at least one information request entry in the at least one feedback/action form" in Claim 2. There is insufficient antecedent basis for this limitation in the claim.

Examiner interpreted the claims to read "at least one information request entry in the at least one feedback/action form" for the purposes of examination. Appropriate correction required.

Regarding Claim 15, Claim 15 recites the limitation " the associated base interaction recording" and "by utilizing the logical links provided by the interaction identification values, the interaction episode pointer values and the feedback and action form pointer values" in Claim 1. There is insufficient antecedent basis for this limitation in the claim.

Examiner interpreted the claims to read "by utilizing logical links provided by interaction identification values, the interaction episode pointer values and feedback/action form pointer values." for the purposes of examination. Appropriate correction required.

Regarding Claim 16, Claim 16 recites the limitation "the events occurred" in Claim 16. There is insufficient antecedent basis for this limitation in the claim.

Examiner interpreted the claims to read “events occurred" for the purposes of examination. Appropriate correction required.

Regarding Claim 30, Claim 30 recites the limitation "the with characteristics, selected content and context of the at least one interaction episode” in Claim 16. There is insufficient antecedent basis for this limitation in the claim.

Examiner interpreted the claims to read “with characteristics, selected content and context of the at least one interaction episode" for the purposes of examination. Appropriate correction required.

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Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 16-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Based on Supreme Court precedent, a method/process claim must (1) be tied to another statutory class of invention (such as a particular apparatus) (see at least Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780, 787-88 (1876)) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (see at least Gottschalk v. Benson, 409 U.S. 63, 71 (1972)).

A method/process claim that fails to meet one of the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject matter. Here claims 16-32 fail to meet the above requirements because they are not tied to another statutory class of invention.

Nominal recitations of structure in an otherwise ineligible method fail to make the method a statutory process. See Benson, 409 U.S. at 71-72. As Comiskey recognized, "the mere use of the machine to collect data necessary for application of the mental process may not make the claim patentable subject matter." Comiskey, 499 F.3d at 1380 (citing In re Grams, 888 F.2d 835, 839-40 (Fed. Cir.1989)). Incidental physical

limitations, such as data gathering, field of use limitations, and post-solution activity are not enough to convert an abstract idea into a statutory process. In other words, nominal or token recitations of structure in a method claim do not convert an otherwise ineligible claim into an eligible one.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Freedmn et al., U.S. Patent Publication No. 2004/0249650.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding Claim 1 Freedman et al. teach a system and method (apparatus) for the acquirement of related information comprising:

- capturing and analyzing at least one interaction to identify at least one episode within the captured interaction ("to identify..." merely recites the intended use of the captured/analyzed information), via a subsystem (interaction capture handler; Paragraphs 16, 18, 30, 36, 60; Figures 2B, 7, 11);

- generating at least one information request associated with the at least one interaction episode, via a subsystem (module, entity, code, program, etc.; Paragraphs 44, 85, 89; Figure 5, Element 536);

- building at least one feedback/action form associated with the at least one captured interaction and including at least one information request associated with the at least one episode, via a subsystem (feedback/action form builder; Paragraphs 88-89, Figure 5, Elements 518, 522).

Regarding Claim 2 Freedman et al. teach a system and method further comprising receiving and handling a response to the at least one information request in the at least one feedback/action form, via a subsystem (follow-up interaction manager; Paragraphs 88-89, Figure 5, Elements 518).

Regarding Claim 3 Freedman et al. teach a system and method further comprising generating at least one information request associated with the at least one interaction episode generated during or after a follow-up interaction (Paragraphs 44, 88; Figure 5).

Regarding Claim 4 Freedman et al. teach a system and method further comprising:

- identifying the type and format of a recorded base interaction, via a subsystem (interaction media identifier; Paragraphs 39, 65, 82; Figure 4);

- analyzing the contents of the interaction capture, via a subsystem (interaction capture analyzer; Paragraphs 39, 40, 65, 82; Figure 2B).

Regarding Claim 5 Freedman et al. teach a system and method further comprising identifying a participant or characteristics of an interaction participant, via a subsystem (element of an interaction participant identifier; Paragraphs 39, 74).

Regarding Claim 6 Freedman et al. teach a system and method further comprising:

- identifying an interaction episode in the capture of a (base) interaction (Paragraphs 16, 18, Figure 2B); and

- collecting and extracting characteristics and selected content of the identified interaction episode (Paragraphs 62, 82; Figure 4).

Regarding Claim 7 Freedman et al. teach a system and method wherein the interaction analyzer (subsystem) is at least one of the following: audio analyzer, word spotter, emotion detector, talk analyzer, speech to text analyzer, or a computer telephony integration data analyzer (Paragraphs 37, 40; Figures 2B, 8, 11).

Regarding Claim 8 Freedman et al. teach a system and method further comprising selecting at least one information request in accordance with the characteristics of the at least one interaction episode (Paragraphs 88-89).

Regarding Claim 9 Freedman et al. teach a system and method wherein the information request generator where at least part of the at least one interaction is captured (Paragraphs 88-89).

Regarding Claim 10 Freeman et al. teach a system and method further comprising: assembling at least one feedback table entry utilizing the at least one information request (record), a pointer value indicating the location of at the at least one interaction episode, and an identification value indicating the identification of the interaction capture (Paragraphs 88-89, Figure 5).

Regarding Claim 11 Freedman et al. teach a system and method wherein the information request is a question or action (to be preformed, merely recites intended use of the action; Paragraphs 44, 88, 89).

Regarding Claim 12 Freedman et al. teach a system and method wherein the question or action is generated in response to a response to an information request presented to a participant (Paragraph 44).

Regarding Claim 13 Freedman et al. teach a system and method further comprising (Paragraphs 43, 88, 89):

- marking the capture of a (base) interaction with a pointer value indicating the location of at least one feedback/action form via a subsystem; and

- marking the at least one interaction episode with a pointer value indicating the location of at least one information request entry, via a subsystem.

Regarding Claim 14 Freedman et al. a system and method further comprising:

- selecting the type and format of media utilized for performing at least one follow-up interaction, via a subsystem (follow-up interaction media selector; Paragraphs 88-89, Figure 5);

- presenting the at least one information request associated with the at least one feedback/action form to at least one base interaction participant, via a subsystem;

- receiving a response to the at least one information request from the participant (Paragraphs 88-89, Figure 5); and

- inserting (updating) the received response into at least one information request entry in the at least one feedback/action form (Paragraphs 88-89, Figure 5).

Regarding Claim 15 Freedman et al. teach a system and method further comprising:

- locating by reference the capture of at least one base interaction (Paragraph 44);

- locating at least one interaction episode associated with the at least one base interaction (Paragraphs 43-44);

- locating at least one feedback/action form associated with at least one base interaction (Paragraphs 88-89); and

- selectively navigating and indirectly locating an associated base interaction recording by utilizing logical links provided by interaction identification values, the interaction episode pointer values and feedback/action form pointer values (Paragraph 43).

Regarding Claims 16 and 18-19 Freedman et al. teach a method for obtaining interaction related information and conducting a follow-up interaction comprising:

- analyzing a (base) interaction *for (intended use)* identifying an at least one (base) interaction episode occurring during or after the base interaction (Paragraphs 16, 18, 30, 36, 60);

- selecting at least one information request in accordance with at least one characteristic of the at least one (base) interaction episode (Paragraphs 88-89; Figure 5);

- executing at least one follow-up (post, after, etc.) interaction with at least one interaction participant, utilizing that at least one information request generated during or after the base interaction *for (intended use)* obtaining interaction information regarding events occurred (Paragraphs 82, 88-89; Figure 5).

Regarding Claim 17 Freedman et al. teach a method further comprising inserting the information request into at least one feedback/action form (Paragraphs 88-89; Figure 5).

Regarding Claims 20 Freedman et al. teach a method further comprising executing the at least one follow-up interaction with an at least one interaction participant utilizing at least one information request generated after the base interaction is complete *for (intended use)* obtaining interaction information regarding events (Paragraphs 82, 88, 89).

Regarding Claim 21 Freedman et al. teach a method wherein the analyzing step is performed during or after the interaction (Paragraphs 88-89; Figure 5).

Regarding Claim 22 Freedman et al. teach a method wherein the base interaction is a follow-up interaction (Paragraph 89).

Regarding Claim 23 Freedman et al. teach wherein an information request is a question or an action (Paragraphs 88-89).

Regarding Claims 24-26 Freedman et al. teach a method further comprising creating a logical link between at least one interaction episode and at least one

information request and creating a logical link between the base interaction and the at least one feedback/action form (Paragraph 43).

Regarding Claim 27 Freedman et al. teach a method further comprising:

- identifying the transmission media utilized for the performance of the base interaction (Paragraphs 30, 36, 60, 65); and

- locating at least one interaction episode in the capture of the base interaction, the at least one interaction episode associated with at lest one event occurring during or after the base interaction (Paragraphs 39, 65, 40).

Regarding Claim 28 Freedman et al. teach a method wherein the base interaction is an interaction for exchanging content information between at least one customer and at least one representative (Abstract).

Regarding Claim 29 Freedman et al. teach a method wherein the characteristics of the at least one interaction episode are defined during base interaction (Paragraphs 16, 18, 30, 36).

Regarding Claim 30 Freedman et al. teach a method wherein the information request is selection in accordance with characteristics, selected content and context of the at least one interaction episode (Paragraphs 44, 89).

Regarding Claim 31 Freedman et al. teach a method further wherein the inserting step is performed during the base or follow-up interaction (Paragraphs 88-89; Figure 5).

Regarding Claim 32 Freedman et al. teach a method further comprising:

- notifying at least one participant of the base interaction regarding the execution of the follow-up interaction (Paragraph 77);

- requesting confirmation *for (intended use)* the provision of responses to the presentation of the at least one feedback/action form associated with the at least one follow-up interaction from the at least one participant of the base interaction (Paragraph 89; Figure 5);

- logically linking at least one feedback/action form with a customer's (master) record (Paragraph 43); and

- logically linking the at least one feedback/action form with a representative's (master) record (Paragraph 43, 89).

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-27 and 29-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Kraft et al., U.S. Patent No. 6,912,251.

Regarding Claim 1 Kraft et al. teach a system and method (apparatus) for the acquirement of related information comprising:

- capturing and analyzing at least one interaction to identify at least one episode (event, activity, action, discourse, chat session, etc.) within the captured interaction ("to identify..." merely recites the intended use of the captured/analyzed information), via a subsystem (interaction capture handler; Column 3, Lines 1-8, 50-63; Column 12, Lines 51-58);

- generating at least one information request associated with the at least one interaction episode, via a subsystem (module, entity, code, program, etc.; Column 2, Lines 44-60; Column 3, Lines 9-16, 37-46; Figure 1);

- building at least one feedback/action form associated with the at least one captured interaction and including at least one information request associated with the

at least one episode, via a subsystem (feedback/action form builder; Column 2, Lines 44-60; Column 3, Lines 9-16, 37-46; Column 12, Lines 33-39; Figure 1, Elements 10, 40, 50).

Regarding Claim 2 Kraft et al. teach a system and method further comprising receiving and handling a response to the at least one information request in the at least one feedback/action form, via a subsystem (follow-up interaction manager; Column 8, Lines 1-22; Column 13, Lines 25-44; Figure 2, Figure 3, Elements 110, 120, 130).

Regarding Claim 3 Kraft et al. teach a system and method further comprising generating at least one information request associated with the at least one interaction episode generated during or after a follow-up (post, after, etc.) interaction (Column 12, Lines 25-39, 50-58; Column 9, Lines 63-68; Figure 1, Elements 40, 50).

Regarding Claim 4 Kraft et al. teach a system and method further comprising:

- identifying the type and format of a recorded (base) interaction, via a subsystem (interaction media identifier; Column 8, Lines 2-13; Column 12, Lines 5-22);

- analyzing the contents of the interaction capture, via a subsystem (interaction capture analyzer; Column 7, Lines 18-68; Column 8, Lines 26-39).

Regarding Claim 5 Kraft et al. teach a system and method further comprising identifying a participant or characteristics of an interaction participant, via a subsystem

(element of an interaction participant identifier; Column 12, Lines 5-22; Column 8, Lines 2-13).

Regarding Claim 6 Kraft et al. teach a system and method further comprising:

- identifying an interaction episode (chat session, discourse, etc.) in the capture of a (base) interaction (Column 12, Lines 5-22; Column 8, Lines 2-13; Figure1, Elements 40, 50); and

- collecting and extracting characteristics and selected content of the identified interaction episode (Column 7, Lines 18-68; Column 11, Lines 47-61).

Regarding Claim 7 Kraft et al. teach a system and method wherein the interaction analyzer (subsystem) is at least one of the following: audio analyzer, word spotter, emotion detector, talk analyzer, speech to text analyzer, or a computer telephony integration data analyzer (Column 7, Lines 18-68; Column 11, Lines 47-61).

Regarding Claim 8 Kraft et al. teach a system and method further comprising selecting at least one information request in accordance with the characteristics of the at least one interaction episode (Column 9, Lines 63-68; Column 12, Lines 35-39; Column 11, Lines 47-61; Column 13, Lines 15-30).

Regarding Claim 9 Kraft et al. teach a system and method wherein the information request generator where at least part of the at least one interaction is captured (Column 6, Lines 12-15; Column 7, Lines 30-68; Column 14, Lines 20-27).

Regarding Claim 10 Kraft et al. teach a system and method further comprising: assembling at least one feedback table entry (database record, row, field) utilizing the at least one information request (record), a pointer value indicating the location of at the at least one interaction episode, and an identification value indicating the identification of the interaction capture (Column 8, Lines 40-49; Column 12, Lines 60-68; Figure 1, Element 60).

Regarding Claim 11 Kraft et al. teach a system and method wherein the information request is a question or action to be preformed (Column 13, Lines 15-49).

Regarding Claim 12 Kraft et al. teach a system and method wherein the question or action is generated in response to a response to an information request presented to a participant (Column 13, Lines 15-49; Column 7, Lines 28-50; Column 9, Lines 63-68).

Regarding Claim 13 Kraft et al. teach a system and method further comprising:

- marking (indexing) the capture of a (base) interaction with a pointer value indicating the location of at least one feedback/action form via a subsystem (Column 3, Lines 1-15; Column 7, Lines 36-40; Figure 1, Element 60); and

- marking the at least one interaction episode with a pointer value indicating the location of at least one information request entry, via a subsystem (Column 3, Lines 1-15; Column 7, Lines 36-40).

Regarding Claim 14 Kraft et al. a system and method further comprising:

- selecting the type and format of media utilized for performing at least one follow-up interaction, via a subsystem (follow-up interaction media selector; Column 2, Lines 43-60; Column 7, Lines 18-68; Column 8, Lines 1-25);

- presenting the at least one information request associated with the at least one feedback/action form to at least one base interaction participant, via a subsystem (Column 7, Lines 18-68; Column 8, Lines 1-25);

- receiving a response to the at least one information request from the participant (Column 3, Lines 30-36; Column 6, Lines 12-20; Figure 1, Element 70); and

- inserting (updating) the received response into at least one information request entry in the at least one feedback/action form (Column 3, Lines 30-36; Column 7, Lines 18-51; Column 9, Lines 63-68).

Regarding Claim 15 Kraft et al. teach a system and method further comprising"

- locating by reference (index) the capture of at least one base interaction (Column 13, Lines 1-15; Column 7, Lines 36-40; Column 8, Lines 40-49; Figure 1, Element 60);

- locating (retrieving, matching, correlating, etc.) at least one interaction episode associated with the at least one base interaction (Column 13, Lines 1-15; Column 7, Lines 36-40; Column 8, Lines 40-49);

- locating at least one feedback/action form associated with at least one base interaction (Column 13, Lines 1-15; Column 7, Lines 36-40; Column 8, Lines 40-49); and

- selectively navigating and indirectly locating an associated base interaction recording by utilizing logical links provided by interaction identification values, the interaction episode pointer values and feedback/action form pointer values (Column 7, Lines 53-68; Column 8, Lines 16-25; Figure 2).

Regarding Claims 16 and 18-19 Kraft et al. teach a method for obtaining interaction related information and conducting a follow-up (post, after) interaction comprising:

- analyzing a (base) interaction *for (intended use)* identifying an at least one (base) interaction episode (discourse, chat session, etc.) occurring during or after the base interaction (Column 2, Lines 43-63; Column 3; Figure 1 Elements 10, 40, 50, 60, 70; Figure 3, Elements 120 130);

- selecting at least one information request in accordance with at least one characteristic of the at least one (base) interaction episode (discourse, chat session, etc.; Column 7, Lines 28-50; Column 9, Lines 63-68; Column 13, Lines 25-40);

- executing at least one follow-up (post, after, etc.) interaction with at least one interaction participant, utilizing that at least one information request generated during or after the base interaction *for (intended use)* obtaining interaction information regarding events occurred (Column 7, Lines 28-50; Column 9, Lines 63-68; Column 13, Lines 25-40).

Regarding Claim 17 Kraft et al. teach a method further comprising inserting the information request into at least one feedback/action form (Column 7, Lines 28-50; Column 9, Lines 63-68; Column 13, Lines 25-40)

Regarding Claims 20 Kraft et al. teach a method further comprising executing the at least one follow-up interaction with an at least one interaction participant utilizing at least one information request generated after the base interaction is complete *for (intended use)* obtaining interaction information regarding events (Column 7, Lines 28-50; Column 9, Lines 63-68; Column 13, Lines 25-40; Figure 1).

Regarding Claim 21 Kraft et al. teach a method wherein the analyzing step is performed during or after the interaction (Column7, Lines 18-65; Column 8, Lines 16-33; Figure 3, Element 120).

Regarding Claim 22 Kraft et al. teach a method wherein the base interaction is a follow-up (post, after) interaction (Column 12, Lines 25-39; Column 13, Lines 15-40).

Regarding Claim 23 Kraft et al. teach wherein an information request is a question or an action (Column 13, Lines 15-40; Figure 2).

Regarding Claims 24-26 Kraft et al. teach a method further comprising creating a logical link (association, correlation, etc.) between at least one interaction episode and at least one information request and creating a logical link between the base interaction and the at least one feedback/action form (Column 7, Lines 55-68; Column 8, Lines 16-25; Column 2, Lines 43-47; Figure 2).

Regarding Claim 27 Kraft et al. teach a method further comprising:

- identifying the transmission media utilized for the performance of the base interaction (Column 7, Lines 40-51); and

- locating (matching, retrieving, correlating, etc.) at least one interaction episode (action, discourse) in the capture of the base interaction, the at least one interaction episode associated with at lest one event occurring during or after the base interaction (Column 7, Ines 40-51; Column 8, Lines 2-25; Column 10, Lines 44-55).

Regarding Claim 29 Kraft et al. teach a method wherein the characteristics of the at least one interaction episode are defined during base interaction (Column 8, Lines 7-15).

Regarding Claim 30 Kraft et al. teach a method wherein the information request is selected in accordance with characteristics, selected content and context of the at least one interaction episode (Column 7, Lines 35-65; Column 8, Lines 1-8; Column 9, Lines 63-68; Figure 3, Elements 120, 130).

Regarding Claim 31 Kraft et al. teach a method further wherein the inserting step is performed during the base or follow-up interaction (Column 13, Lines 15-40; Column 12, Lines 24-40).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 28 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft et al., U.S. Patent No. 6,912,521 as applied to claims 1-27 and 29-31 above and further in view of Gisby, U.S. Patent No. 5,943,416 and Pasquale et al., U.S. Patent Publication No. 2004/0230438.

Regarding Claim 28 Kraft et al. does not expressly teach that the interaction is between at least one customer and at least one representative as claimed.

Gisby teaches a system and method for acquiring interaction related information wherein the (base) interaction is an interaction for exchanging content information between at least one customer and at least one representative (Abstract; Column 2, Lines 54-68) in an analogous art of acquiring interaction information.

It would have been obvious to one skilled in the art at the time of the customer that the system and method as taught by Kraft et al. would have benefited from being using to capture information of interactions between customers and representatives in view of the teachings of Gisby, since the claimed invention is merely a combination of

old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 32 Kraft et al. teach a method further comprising: notifying at least one participant of the base interaction regarding the execution of the follow-up interaction (Column 13, Lines 15-40; Column 12, Lines 24-40).

Kraft et al. does not expressly teach requesting confirmation *for (intended user)* the provision of responses to the presentation of the at least one feedback/action form associated with the at least one follow-up interaction from the at least one participant of the base interaction as claimed.

Gisby teaches a system and method for acquiring interaction information further comprising requesting confirmation for the provision of responses to the presentation of the at least one feedback/action form associated with the at least one follow-up interaction from the at least one participant of the base interaction (Column 5, Lines 41-60; Column 6, Lines 60-68; Column 7, Lines 1-5; Figure 2,Element 102) in an analogous art of capturing interaction information for the purpose of asking participant's permission prior to providing/presenting the feedback/action form (survey).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for acquiring interaction information as taught by Kraft et al. would have benefited from requesting confirmation for the provision of responses to the presentation of the at least one feedback/action form associated with the at least one follow-up interaction from the at least one participant of the base interaction in view of the teachings of Gisby, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Kraft et al. does not expressly teach logically linking at least one feedback/action form with a customer's (master) record as claimed.

Pasquale et al. teach logically linking at least one feedback/action form with a customer's (master) record (Paragraphs 54, 57, 58) in an analogous art of obtaining interaction information and conducting a follow-up interaction (e.g. post call survey; Paragraphs 25, 59; Figure 3, Element 40) for the purpose of routing the customer's call based on survey responses (e.g. immediate transfer to a live agent if the survey responses are negative; Paragraph 57).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for obtaining interaction information and conducting follow-

up interaction as taught by Kraft et al. and Gisby would have benefited from lining at least one feedback with a customer's record in view of the teachings of Pasquale et al., , since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Kraft et al. does not expressly teach logically linking the at least one feedback/action form with a representative's (master) record as claimed.

Official notice is taken that linking (associating) customer feedback, satisfaction and other commonly surveyed metrics to the representative (staff, agent, employee, etc.) which provided the service (i.e. interacted with the customer; e.g. Pasquale et al., Paragraph 28) is old and very well known wherein such feedback is commonly used for things such as training, rewards, coaching and the like.

It would have been obvious to one skilled in the art at the time of the invention that the method for obtaining interaction information and conducting a follow-up interaction as taught by the combination of Kraft et al., Gisby and Pasquale et al. would have benefited from linking the feedback with a representative's record in view of the teachings of official notice, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same

function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

This Office action has an attached requirement for information under 37 C.F.R. § 1.105. A complete response to this Office action must include a complete response to the attached requirement for information. The time period for reply to the attached requirement coincides with the time period for reply to this Office action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Vaccarell et al., EP134116A2, teach a system and method for obtaining interaction information and performing follow-up interactions (e.g. surveys).

- Eyreteal, WO 03/013113A2, teach a system and method for customer interaction monitoring and analysis comprising speech recognition, word spotting and the like to identify episodes occurring in interactions between at least one customer and at least one representative.

- Hamlin et al., U.S. Patent No. 6,477,504, teach a system and method for generating and presenting a feedback/action form (survey) to a plurality of participants.

- Walker et al., U.S. Patent No. 6,616,458, teach a system and method for administering a survey over a network

- Bala et al., U.S. Patent No. 6,798,876, teach a system and method for capturing interaction information between a customer and a representative.

- Plantec et al., U.S. Patent No. 6,826,540 teach a system and method for generating and presenting a feedback/action form to a user.

- Walker et al., U.S. Patent No. 6,871,185, teach a system and method for determining if a representative verbalizes one or more messages (questions) to a customer during an interaction.

- Brinkerhoff, U.S. Patent No. 6,963,848, teach a system and method for generating and presenting follow-up interaction (customer reviews post product purchase).

- Elazar et al., U.S. Patent No. 7,305,082, teach a system and method for obtaining interaction information regarding an interaction between at least one customer and at least one representative.

- Brookler et al., U.S. Patent Publication No. 2002/0035486, teach a system and method for generating and presenting feedback/follow-up interactions to users (surveys).

- Bossemeyer et al., U.S. Patent Publication No. 2003/0041056, teach a system and method for obtaining customer feedback.

- CustomerSat.com Web Pages (2000-2001), teaches a commercially available system and method for presenting and obtaining feedback from customers.

- Hayes, Measuring Customer Satisfaction (1998), teach a plurality of well known methods/approaches to designing, developing and fielding surveys.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT L. JARRETT whose telephone number is

(571)272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott L Jarrett/
Primary Examiner, Art Unit 3624